



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

SMC  
Docket No: 06727-00  
9 November 2000

1STSG [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear First Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of the fitness report for 26 May to 29 October 1999.

It is noted that the Commandant of the Marine Corps (CMC) has amended the contested fitness report by replacing the original page 5, reflecting no reporting senior comments in Section I, with a revised page reflecting comments.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 25 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice warranting complete removal of the contested fitness report. They recognized that Marine Corps Order P1610.7E, paragraph 5a.(8), says "Intra-unit comparative markings are eliminated." While they found nothing in the order expressly prohibiting the reviewing officer from commenting, in Section K, that you " - Ranked 4 out of 4 First Sergeants within this Battalion," they felt this comment could be considered contrary to the spirit of the order. Nevertheless, given your Section K "comparative assessment" in the third lowest of eight categories, they found the impropriety, if any, in the disputed comment was not a material matter warranting corrective action. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

6727-00  
IN REPLY REFER TO:  
1610  
MMER/PERB  
25 SEP 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF FIRST  
SERGEANT [REDACTED] USMC

Ref: (a) 1stSgt [REDACTED] DD Form 149 of 3 Apr 00  
(b) MCO P1610.7E w/Ch 1

Encl: (a) Page 5 of Fitness Report 990526 to 991029 (TR)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present met on 6 July 2000 to consider First Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 990526 to 991029 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is incorrect in two areas. First, he states that reference (b) **requires** Reporting Seniors to include a "word picture" of the Marine reported on in Section I. It is his argument that when he advised the Reporting Senior of this fact, he was told the report would not be changed. The second area with which the petitioner objects is the Reviewing Officer's action in Section K. It is his belief that the Reviewing Officer compared him with "three other specific Marines", and that such a comparison is not within the guidelines or spirit of reference (b).

3. In its proceedings, the PERB concluded that:

a. The petitioner is correct in his statement that the Reporting Senior was required to formulate a "word picture" in Section I. Owing to the relative recency of the report at the time reference (a) was considered by the PERB (less than nine months), the Board found remedy in returning the report to the Reporting Senior for completion. That action has been accomplished and the new version of page five of the report, is provided at the enclosure. This document will replace the existing version of page five.

b. The petitioner's beliefs concerning how the Reviewing Officer evaluated him in Item K is considered to be unsupported speculation. Nothing furnished with reference (a) substantiates

(3) PGTB

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF FIRST  
SERGEANT [REDACTED] USMC

his opinion and there is certainly no documentation which causes the Board to question the objectivity and validity of that evaluation.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as revised, should remain a part of First Sergeant [REDACTED] official military record. The limited action identified in subparagraph 3a is considered sufficient.

5. The case is forwarded for final action.

[REDACTED]  
D/ [REDACTED] N  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps